

## REMARKS

Reconsideration of this application in light of the present amendment and remarks is respectfully requested.

Claims 1, 4, 5, 7-11, 13, 16, 17 and 19-21 have been rejected.

Claims 2, 3, 12, 14, 15 and 22-25 were previously cancelled.

Claims 7 and 19 have been cancelled, without prejudice.

Claims 1, 8, 13 and 20 have been amended.

Claims 1, 4, 5, 8-11, 13, 16, 17 and 20-21 are pending in this application.

Applicants acknowledge with thanks the Examiner's indication that claims 8 and 20 would be allowable if rewritten to include the limitations of the base claim and any intervening claims that recite that the target differences for any of the lesser services exceed a threshold and a changing of the data rate of lesser services to increase their quality. Accordingly, independent claim 1 has been amended to incorporate the all the recitations of intervening claim 7, and the specific references of claim 8 that recite determining that one of the resulting respective inner loop power control performance target values differs from the resulting respective inner loop power control performance target value by more than a predetermined threshold; and adjusting rate matching parameters of that service to bring the differing respective inner loop power control performance target value closer to the resulting respective inner loop power control performance target value. Claim 7 is subsequently canceled. Claim 8 has been amended to retain the further limitation of meeting the threshold test for a predetermined time.

Independent claim 13 and dependent claims 19 and 20 have been amended similarly to claims 1, 7 and 8, respectively.

Accordingly, applicants respectfully submit that independent claims 1 and 13 are now in a condition for allowance.

In the event that the Examiner deems this amendment to claims 1 and 13 as insufficient, it is requested that the Examiner telephone the Applicants' attorney at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection or through an Examiner's amendment.

Claims 1, 4-5, 7, 9-11, 13, 16-17, 19 and 21 have been rejected under 35 U.S.C. §103(a) as being unpatentable by Chou et al (US Publ. 2004/0205752) in view of Toskala et al (US 6,374,118). This rejection is respectfully traversed.

Applicants respectfully submit that independent claims 1 and 13 have been amended into a condition for allowance as detailed above.

Claims 4-5, 7 and 9-11 are dependent on amended claim 1, hereby incorporated by reference, and are therefore deemed allowable as well for the same reasons. Similarly, claims 16-17, 19 and 21 are dependent on amended claim 13, hereby incorporated by reference, and are therefore deemed allowable as well for the same reasons.

Accordingly, applicants respectfully request that this rejection be withdrawn.

The other references of record have been reviewed and applicant's invention is deemed patentably distinct and nonobvious over each taken alone or in combination.

For the foregoing reasons, applicants respectfully request that the above rejections be withdrawn.

Inasmuch as this amendment distinguishes all of the applicants' claims over the prior art references, for the many reasons indicated above, passing of this case is now believed to be in order. A Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Authorization is hereby given to charge any fees necessitated by actions taken herein to Deposit Account 50-2117.

Respectfully submitted,  
**Legg et al.**

**Customer Number 22917**  
Motorola, Inc.  
Law Dept. - 3<sup>rd</sup> floor  
1303 E. Algonquin Rd.  
Schaumburg, IL 60196

By: /Brian Mancini/  
Brian M. Mancini  
Attorney for Applicant(s)  
Registration No. 39,288  
Phone: (847) 576-3992  
FAX: (847) 576-3750